

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)**

TUESDAY THE NINTH DAY OF DECEMBER TWO THOUSAND AND
THREE

: PRESENT :

THE HON'BLE DR.JUSTICE: MOTILAL B. NAIK
AND

THE HON'BLE MR.JUSTICE: DALAVA SUBRAHMANYAM

W.P. No.25515 OF 2003

Between:

- 1.M/s. Modern Proteins Limited,
A company registered under the Comopanies Act, 1956
Having its Registered Office at 1-12, Industrial Estate Kurnool,
A.P. rep. by its Director, Sri Heeralal Jat S/o Nathuram Jat.
- 2.Sri Vinod Baid S/o Sri J.M. Baid,
Director, R/o 5, Lovelock Street, Kolkata.

Petitioners

AND

- 1.Recovery Officer,
Debt Recovery Tribunal, Room No.SFE/3/4, Nehru Place,
Tonk Road, Jaipur, Rajasthan.
- 2.Bank of Rajasthan Limited,
having its Registered Office at Clock Towers, Udaipur,
Rajasthan and its Central Office at C-3, Sardar Patel Marg, C-Scheme,
Jaipur – 302 001.
- 3.Union of India through Ministry of Finance, New Delhi.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue appropriate writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the Respondent No.1 in putting up the properties of the Petitioners for proclamation of sale as arbitrary, illegal and violative of the Petitioner's Fundamental Rights guaranteed to them as also in total abrogation of powers vested in the Respondent No.1 in the interest of justice.

The petition coming on for hearing as to admission, upon perusing the petition and the affidavit filed herein and upon hearing the arguments of Mr.Milind G. Gokhale, Advocate for the Petitioners and the Standing Counsel for Central for the Respondent No.3.

The Court made the following ORDER:

“During the course of hearing of the writ petition. We felt that we are to be assisted by a counsel.

Sri B. Adinarayana Rao, Advocate of this court, is appointed as Amicus Curiae at our instance to assist this Court.

Office to furnish papers of this case to Mr.B. Adinarayana Rao, Advocate.

Let the matter come up on 10-12-2003.”

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

- 1.Sri B. Adinarayana Rao, Advocate, High Court of A.P. Hyderabad.
(BY SPL. MESSENGER ALONG WITH PAPERS OF THIS CASE)

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- 2.The Recovery Officer, Debt Recovery Tribunal, Room No.SFE/3/4, Nehru Place,
Tonk Road, Jaipur, Rajasthan.
- 2.The Bank of Rajasthan Limited,
having its Registered Office at Clock Towers, Udaipur,
Rajasthan and its Central Office at C-3, Sardar Patel Marg, C-Scheme,
Jaipur – 302 001.
- 3.The Ministry of Finance, Union of India, New Delhi.
- 4.The Section Officer, Writ Filing Section, High Court of A.P. Hyderabad.
- 5.The Section Officer, Posting Section, High Court of A.P., Hyderabad.
- 6.One spare copy.

H.A.

DRAFTED BY : H.A.
COMPARED BY :

HIGH COURT

DR.MBNJ

**NOTE : LET THE MATTER
COME UP ON 10-12-03**

DT: 09-12-2003

ORDER :

W.P.NO.25515/03

DIRECTION